

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** Title 3, Agriculture
Chapter and its heading: Chapter 5, State Agricultural Laboratory
Articles and their headings: Article 1, Sampling and Laboratory Certification
Section numbers: R3-5-101 through R3-5-110
2. **Subject matter of the proposed rule:**
This rulemaking updates information that is out-of-date with the current Secretary of State guidelines, and removes citations to the Commission of Agriculture and Horticulture. It adds time-frames for certification and spells out what information is required on the certification application. At the request of ADHS, it is considering if any requirements in A.R.S. Title 9, Chapter 17, Article 3, Aflatoxin In Animal Feed, need to be transferred to this Article.
3. **A citation to all published notices relating to the proceeding:**
None.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Shirley Conard, Rules Specialist
Address: Department of Agriculture
1688 West Adams, Room 124
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments Monday through Friday, 8 a.m. to 5 p.m. at the location listed in question #4. The Department will accept oral comments Monday through Friday, 7:30 a.m. to 4 p.m. at the location listed in question #4.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF CHIROPRACTIC EXAMINERS

1. **Title and its heading:** Title 4, Professions and Occupations
Chapter and its heading: Chapter 7, Chiropractic
Articles and their headings: Article 1, Board of Chiropractic Examiners
Article 11, Chiropractic Assistants
Section numbers: R4-7-101, R4-7-1101, R4-7-1102, and R4-7-1103
2. **Subject Matter of the proposed rule:**
The Board will clarify language regarding the definition of a chiropractic assistant, training and registration requirements, supervisory requirements and tasks which may be performed by a chiropractic assistant.
3. **A citation to all published notices relating to the proceeding:**
None.
4. **The name and address of agency personnel with whom person may communicate regarding the rule:**
Name: Patrice Pritzl, Executive Director
Address: Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, Arizona 85015

Arizona Administrative Register
Notices of Rulemaking Docket Openings

Telephone: (602) 255-1444

Fax: (602) 255-4289

5. The time during which written submission may be made and the time and place where oral comments may be made:
The Board will accept written comments between 8 a.m. and 5 p.m., Monday through Friday. The Board will schedule a public hearing at a later date.
6. A timetable for agency decisions or other action in the proceeding:
None.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

1. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and its heading: 1, Administration
Section numbers: R4-23-110
2. Subject matter of the proposed rule:
This rulemaking is part of the Computer Requirements rule noticed in the docket opening published in 2 A.A.R. 3043, May 31, 1996. In that docket opening, R4-23-408 was noticed. During the drafting of the rule it became clear that new and amended definitions were necessary. This docket opening for R4-23-110 will allow the amending of the definitions necessary to achieve the objective of the computer requirement rule.
- Agency docket number, if applicable:
R9704
3. A citation to all published notices relating to the proceeding:
Notice of Rulemaking Docket Opening: 2 A.A.R. 3043, May 31, 1996.
4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Dean Wright, Compliance Officer
Address: Arizona Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015
Telephone: (602) 255-5125, Ext. 131
Fax: (602) 255-5740
5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m. at the location listed in question #4. The Board will accept oral comments 8 a.m. to 4:30 p.m., Monday through Friday at the location listed in question #4. Written and oral comments will be accepted until the close of record on a date and time not yet determined.
6. A timetable for agency decisions or other action in the proceeding:
None.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF BUILDING AND FIRE SAFETY

1. Title and its heading: Title 4, Commerce, Professions, and Occupations
Chapter and its heading: Chapter 36, Department of Building and Fire Safety
Articles and their headings: Article 3, Hearings: Landlord and Tenant Hearing Procedures
Section numbers: R4-36-301 through R4-36-308
2. Subject matter of the proposed rule:
In the 1997 legislative session, SB 1461 repealed the statutory authority of the director to promulgate rules relating to the Arizona Mobile Home Parks Hearing Officer function. The statutory authority now falls under the Office of the Administrative Hearings. Therefore, the Department is repealing the rules pertaining to the Arizona Mobile Home Hearing Officer function.
3. A citation to all published notices relating to the proceeding:
None.
4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Cheryl Groeper

Arizona Administrative Register
Notices of Rulemaking Docket Openings

Address: Department of Building and Fire Safety
99 East Virginia, Suite 100
Phoenix, Arizona 85004

Telephone: (602) 255-4072

Fax: (602) 255-4962

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments Monday through Friday, 8 a.m. to 5 p.m.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
A notice of proposed summary rulemaking shall be submitted 30 days from the date of this publication.

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION

1. **Title and its heading:** Title 4, Commerce, Professions and Occupations
Chapter and its heading: Chapter 39, State Board for Private Postsecondary Education
Articles and their headings: Article 1, Definitions, Licensure and Reporting
Section numbers: R4-39-108 through R4-39-112
2. **Subject Matter of the proposed rule:**
Existing rules regarding license renewals and changes in licensee programs, locations and ownership, 4 A.A.C. 39, Article 1, are being revised to clarify requirements for continuing licensure:

R4-39-108. Revision of language regarding license renewal to ensure consistency with statute and other agency rules and conformity to required rule drafting style.

R4-39-109. Revision of annual reporting requirements to conform to quarterly license renewal schedule.

R4-39-110. Revision of language regarding supplemental license applications to ensure consistency with statute and other agency rules and conformity to required rule drafting style.

R4-39-111. Revision of language regarding supplemental license requirements for licensee changes in ownership to ensure consistency with statute and other agency rules and conformity to required rule drafting style.

R4-39-112. Revision of language regarding supplemental license requirements for honorary degrees to ensure consistency with statute and other agency rules and conformity to required rule drafting style.

Agency docket number, if applicable:
1997-2-PVA
3. **A citation to all published notices relating to the proceeding:**
None.
4. **The name and address of agency personnel with whom person may communicate regarding the rule:**
Name: Teri Candelaria, Executive Director

Address: State Board for Private Postsecondary Education
1400 West Washington, Room 260
Phoenix, Arizona 85007

Telephone: (602) 542-5709
5. **The time during which written submission may be made and the time and place where oral comments may be made:**
Written and oral comments will be accepted until the date of oral proceeding (hearing), a date that will be set forth in the notice of proposed rulemaking to be filed with the Secretary of State for publication.
6. **A timetable for agency decisions or other action in the proceeding:**
The notice of proposed rulemaking will be finalized and filed with the Secretary of State for publication within the next 60 days. Following publication, the record will be open for written comment for a period of at least 30 days, after which the oral proceeding (hearing) will be held. Oral comments will be accepted at the oral proceeding (hearing). Within 120 days after the close of comment, the Board will adopt the final rules and submit a final rule package to the Governor's Regulatory Review Council for approval.

Arizona Administrative Register
Notices of Rulemaking Docket Openings

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

1. **Title and its heading:** Title 4, Professions and Occupations
Chapter and its heading: Chapter 46, Board of Appraisal
Articles and their headings: Article 1, General Provisions
Article 2, Licensing and Certification
Article 3, Hearings and Disciplinary Proceedings
Article 4, Standards of Practice
Article 5, Prerequisite Education Course Approval
Article 6, Continuing Education Course Approval
Article 7, Property Tax Agents
Section numbers: R4-46-101, R4-46-103, R4-46-104, and R4-46-106; R4-46-201 through R4-46-210; R4-46-301 through R4-46-306; R4-46-401; R4-46-501 through R4-46-503; R4-46-601 through R4-46-603, and R4-46-701 and R4-46-702
2. **Subject matter of the proposed rule:**
R4-46-101 Definitions, R4-46-103 Board Records, R4-46-104 Confidential Records, and R4-46-106 Fees; R4-46-201 Appraiser Qualification Criteria, R4-46-202 Application for Original License or Certificate, R4-46-203 Procedures for Processing Applications, R4-46-204 Appraiser Examinations, R4-46-205 Issuance of License or Certificate, R4-46-206 Hearing on Denial of Licensure/Certification, R4-46-207 Renewal of License or Certificate, R4-46-208 Reinstatement of an Expired License or Certificate, R4-46-209 Replacement of License or Certificate, R4-46-210 Change of Address; R4-46-301 Investigations, Informal Proceedings and Summary Suspensions, R4-46-302 Formal Hearing Procedures, R4-46-303 Rehearing of Board's Decision, R4-46-304 Duty to Disclose Conviction or entry of Civil Judgement, R4-46-305 Terms and Conditions of Reapplication After Revocation; R4-46-401 Standards of Appraisal Practice; R4-46-501 Prerequisite Education Course Approval, R4-46-502 Prerequisite Education Equivalency Approval, R4-46-503 Hearing on Denial of Prerequisite Education Course Approval; R4-46-601 Continuing Education Course Approval, R4-46-602 Continuing Education Equivalency Approval, R4-46-603 Hearing on Denial of Continuing Education Course Approval; and R4-46-701 Standards of Practice (Property Tax Agents) and R4-46-702 Disciplinary Proceedings; Board Action; Notice Requirements.
3. **A citation to all published notices relating to the proceeding:**
None.

The Board's rules committee met on the following days: January 3, 1997, February 7, 1997, March 7, 1997, March 21, 1997, April 4, 1997, May 2, 1997, and July 1, 1997. All meetings were noticed in compliance with the open meeting laws. All appraisers and interested parties were encouraged to attend and many did.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Shirley Berry
Address: Board of Appraisal
1400 West Washington, Suite 331
Phoenix, Arizona 85007
Telephone: (602) 542-1539
Fax: (602) 542-1598
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted between September 26, 1997, and October 24, 1997. Oral comments may be made on December 12, 1997, at the location listed above in the conference room.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
Not known at this time.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

1. **Title and its heading:** Title 6, Economic Security
Chapter and its heading: Chapter 10, Department of Economic Security - The JOBS Program
Article and its heading: Article 2. JOBSTART (heading being changed)
Article 3. Grievance Procedures
Section numbers: R6-10-101 through R6-10-125
R6-10-201 through R6-10-220

Arizona Administrative Register
Notices of Rulemaking Docket Openings

R6-10-301, R6-10-303, and R6-10-304

2. The subject matter of the proposed rules:

These rules describe the work participation requirements of SB 1357 (the state Welfare Reform Bill). They describe activities that satisfy federal work participation requirements associated with Temporary Assistance for Needy Families (TANF), Title I of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, and the circumstances under which an individual may be temporarily deferred from participating in work activities.

In addition, these rules explain the penalties for not meeting the work requirements, and circumstances which constitute good cause for such failure. These rules also provide a description of the JOBS subsidized employment activity, its operation, eligibility requirements for participants and employers, and grievance procedures for displaced employees.

The Department previously filed these rules as exempt rules.

3. A citation to all published notices related to the proceeding:

Notice of Exempt Rulemaking: 3 A.A.R. 2246, August 22, 1997

4. Name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Vista Thompson Brown

Address: Department of Economic Security
1789 West Jefferson, Site Code 837A
Phoenix, Arizona 85007
or
Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

A person may submit written comments from the present until close of record, which has not yet been scheduled, to the person named in question #4. The Department has not yet scheduled oral proceedings but will do so at the time of filing the notice of proposed rulemaking.

6. A timetable for agency decisions or other action on the proceeding:

The Department expects to file a proposed rulemaking package by January 1998 and to conduct oral proceedings in March 1998.